



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named
Inventor : Mark G. Romo et al.

Appln. No. : 10/784,107

Filed : February 20, 2004

For : COMPENSATED VARIABLE
OPTICAL ATTENUATOR

Docket No.: R11.12-0837

Group Art Unit: 2874

Examiner: Sarah U.
Song

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I HEREBY CERTIFY THAT THIS PAPER
IS BEING SENT BY U.S. MAIL, FIRST
CLASS, TO THE COMMISSIONER FOR
PATENTS, P.O. BOX 1450,
ALEXANDRIA, VA 22313-1450, THIS

16th DAY OF
April
2008


PATENT ATTORNEY

Sir:

The patents or publications listed on the enclosed PTO Form-1449 are submitted pursuant to 37 C.F.R. § 1.97. Copies of the patents or publications cited are enclosed.

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior Application No. 10/784,107, filed on May 6, 2003. References listed on the enclosed PTO Form 1449 were submitted to and/or cited by the Office in the prior application and copies are therefore not required to be provided herewith under 37 C.F.R. § 1.98(d).

LIST REFERENCES NOT SUBMITTED

Submitted herewith is a copy (with English translation as appropriate) of an Official Search Report of the Chinese Patent Office in counterpart foreign application No. 200580012356.6 filed February 11, 2005.

The following foreign language documents and English language documents are believed to be equivalent or substantially equivalent:

FOREIGN LANGUAGE

ENGLISH LANGUAGE

TIME OF FILING

The information disclosure statement is being filed:

1. X 1. Within three month of the filing date of a national application other than a Continued Prosecution Application (CPA);
2. Within three months of the date of entry of the National Stage international application;
3. Before the mailing date of a first Office Action on the merits; or
4. Before the mailing of a first Office Action after the filing of a Request for Continued Examination (RCE).

2. after the time period specified in paragraph 1 above, but before the mailing date of a final action under 37 C.F.R. § 1.113 or notice of allowance under 37 C.F.R. § 1.311. Therefore, in accordance with 37 C.F.R. § 1.97(c), submitted herewith is:
(check either A or B below)
A. a statement as specified in 37 C.F.R. § 1.97(e).
B. the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c).

3. after the mailing date of either a final action under 37 C.F.R. § 1.113 or a notice of allowance under 37 C.F.R. § 1.311, whichever occurs first, but before payment of the issue fee. Therefore, Applicant petitions for consideration and submits herewith:
A. a statement as specified in 37 C.F.R. § 1.97(e);
B. the petition fee set forth in 37 C.F.R. § 1.17(p).

STATEMENT

(only used if No. 2(A) or No. 3 above is checked)

The person(s) signing below certify

(check appropriate paragraph)

— that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. § 1.97(e)(1).

OR

— that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement. 37 C.F.R. § 1.97(e)(2).

METHOD OF PAYMENT

— No fee is required.

— Attached is a check in the amount of \$—.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123. A duplicate copy of this communication is enclosed.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

Christopher R. Christenson, Reg. No. 42,413
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222
Fax: (612) 334-3312